

## REMARKS

Claims 1-6, 8-16, and 18-20 are pending. Claims 1-6, 8-16, and 18-20 currently stand rejected. No claims have been amended herein. Claims 7 and 17 have been previously canceled. The Applicant respectfully traverses the rejections and requests allowance of claims 1-6, 8-16, and 18-20.

### *35 U.S.C. § 103(a) Rejections*

Claims 1-6, 8-16, and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,006,536 (Somashekhar), in view of U.S. Patent No. 6,169,754 (Sugawara), and in further view of Official Notice. Claims 1-6, 8-16, and 18-20 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0103926 (Cook), in view of Official Notice. The Applicant respectfully traverses the rejections for at least the following reasons.

The Applicant respectfully contends that the Office Action fails to make a proper rejection of the claims for failing to address all of the limitations of the claims, as required by MPEP § 2143.03, which states that “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In addition, the Office Action fails to make a *prima facie* case of obviousness as the combination of Somashekhar and Sugawara or Cook - with the facts asserted by Official Notice purported to be well known - still fails to teach or suggest all of the limitations of claim 1. Therefore, the rejections should be withdrawn accordingly.

Claim 1 recites, in part, receiving over a single optical wavelength a first SONET signal that includes a first section overhead, a first line overhead, path overhead, and user data. Claim 1 further recites, in part, transferring the *same* first section overhead, first line overhead, path overhead, and user data of the first SONET signal *in parallel over multiple optical wavelengths*.

Regarding the rejection of claim 1 over Somashekhar and Sugawara, the Office Action admits that, separately and in combination, the references fail to teach transferring the first section overhead, the first line overhead, the path overhead, and the user data in parallel over multiple optical wavelengths, as found in claim 1. (Please see the Office Action at pages 2 and 4.) The Office Action then takes Official Notice that “*a method and system for receiving over a single optical wavelength a sonet signal to transfer in parallel over multiple optical wavelengths*

*a sonet signal is well known and expected in the art at the time of invention was made.*” (Please see the Office Action at pages 2 and 4.) However, this statement of Official Notice does not address the aspects of claim 1 absent from Somashekhar and Sugawara - namely, transferring the first section overhead, the first line overhead, the path overhead, and the user data in parallel over multiple optical wavelengths.

As mentioned above, a proper rejection must consider all of the limitations of a claim. The present rejection fails to address all of the limitations of claim 1. Therefore, the present rejection is improper and should be withdrawn.

Moreover, the resulting combination of Somashekhar, Sugawara, and the statement of Official Notice may discuss multiplexing *entire* optical signals onto a parallel path over multiple optical wavelengths, but does not disclose what is recited in claim 1. Rather, claim 1 recites, in part, transferring the first section overhead, the first line overhead, the path overhead, and the user data *of the first SONET signal* in parallel over multiple optical wavelengths. This is in contrast to the combination of Somashekhar, Sugawara, and the Official Notice which transfer SONET signals *as a whole* in parallel. For example, the combination of Somashekhar, Sugawara, and the Official Notice is similar to transferring an OC-192 signal in parallel as four OC-48 signals. What claim 1 describes is different in that the first section overhead, the first line overhead, the path overhead, and the user data in *a single SONET signal* are transferred parallel over multiple optical wavelengths.

Thus, since the combination of Somashekhar, Sugawara, and the Official Notice fail to teach or suggest all the elements of claim 1, the Applicant respectfully contends that the Office Action fails to make a *prima facie* case of obviousness. Therefore, the rejections should be withdrawn accordingly.

The Applicant acknowledges that the Examiner cited references in the Office Action in response to the previous Office Action’s statement of Official Notice of “*an interface for receiving a single optical wavelength includes a sonet signal and transmitting the sonet signal in parallel over multiple optical wavelengths.*” (Please see the Office Action at page 8.) Here again, this statement of Official Notice does not address the aspects of claim 1 absent from Somashekhar and Sugawara - namely, transferring the first section overhead, the first line overhead, the path overhead, and the user data in parallel over multiple optical wavelengths.

In addition, while the references cited by the Office Action may discuss multiplexing *entire* optical signals onto a parallel path over multiple optical wavelengths, the cited references do not disclose what is recited in claim 1. Specifically, claim 1 recites, in part, transferring the first section overhead, the first line overhead, the path overhead, and the user data *of a first SONET signal* in parallel over multiple optical wavelengths. This is in contrast to the Official Notice and the cited references which transfer each SONET signal *as a whole* in parallel. For example, this is similar to transferring an OC-192 signal in parallel as four OC-48 signals. What claim 1 describes is different in that the first section overhead, the first line overhead, the path overhead, and the user data in *of a single SONET signal* are transferred parallel over multiple optical wavelengths.

Thus, it is respectfully contended that the references cited in support of the previous Office Action's statement of Official Notice of "*an interface for receiving a single optical wavelength includes a sonet signal and transmitting the sonet signal in parallel over multiple optical wavelengths*" do not teach or suggest the elements of claim 1 relating to transferring the first section overhead, the first line overhead, the path overhead, and the user data of a SONET signal in parallel over multiple optical wavelengths.

Regarding the rejection of claim 1 over Cook in view of Official Notice, the Office Action admits that Cook fails to teach transferring the first section overhead, the first line overhead, the path overhead, and the user data in parallel over multiple optical wavelengths, as recited, in part, by claim 1. (Please see the Office Action at page 7.) However, as with the rejection of the claims over Somashekhar and Sugawara, the Office Action takes Official Notice that "*a method and system for receiving over a single optical wavelength a sonet signal to transfer in parallel over multiple optical wavelengths a sonet signal is well known and expected in the art at the time of invention was made.*" (Please see the Office Action at page 7.) The Applicant asserts that the discussion above regarding the rejection of the claims over Somashekhar and Sugawara applies as well to the rejection of the claims over Cook. The rejections should be withdrawn accordingly.

Based on the foregoing comments, the Applicant contends that claim 1 is allowable, and such indication is respectfully requested. Claim 11 contains limitations similar to claim 1 and is therefore respectfully asserted to be allowable over the art of record for the same reasons as claim 1.

While separately allowable over the art of record, dependent claims 2-6, 8-10, 12-16, and 18-20 depend from otherwise allowable independent claims. The Applicant therefore refrains from a discussion of the rejection of claims 2-6, 8-10, 12-16, and 18-20 under 35 U.S.C. § 103(a) for the sake of brevity.

### **CONCLUSION**

Based on the above remarks, the Applicant submits that the claims in their present form are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant respectfully requests allowance of the claims at the Examiner's earliest convenience. However, if the Examiner decides to issue another office action, the Applicant respectfully requests that any such office action be made non-final, considering the improper rejection of claims 1-6, 8-16, and 18-20 under 35 U.S.C. § 103(a) in the present Office Action.

The Applicant believes no fees are due with respect to this filing. However, should the Office determine fees are necessary, the Office is hereby authorized to charge Deposit Account No. 210765, accordingly.

Respectfully submitted,

/David J. Bovitz/

**SIGNATURE OF PRACTITIONER**

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